



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Jeffrey M. Schoenberg

SYNOPSIS AS INTRODUCED:

605 ILCS 10/8.1 new	
605 ILCS 10/10	from Ch. 121, par. 100-10
605 ILCS 10/11	from Ch. 121, par. 100-11
605 ILCS 10/16.2 new	
605 ILCS 10/17	from Ch. 121, par. 100-17
605 ILCS 10/20.2 new	
605 ILCS 10/27.1	from Ch. 121, par. 100-27.1

Amends the Toll Highway Act. Provides that the Toll Highway Authority has the power to enter into a contract with a unit of local government or other public or private entity under which the Authority agrees to collect by electronic means tolls, fees, or revenues on behalf of that entity. Requires the Governor to appoint, with the advice and consent of the Senate, an Inspector General for the Authority, setting forth his or her powers and duties. Places certain restrictions on directors of the Illinois State Toll Highway Authority and their employees and agents concerning receiving financial benefit from their positions or employment with the Authority. Makes changes concerning enforcement of tolls. Provides that the Office of the Inspector General shall be represented in all legal matters by the Attorney General. Requires General Assembly review of expenditures of excess Authority moneys. Requires the Authority to submit a comprehensive strategic financial plan to the General Assembly. Makes other changes. Effective immediately.

LRB093 20406 DRH 46184 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to the Illinois State Toll Highway
2 Authority.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 5. The Toll Highway Act is amended by changing
6 Sections 10, 11, 17, and 27.1 and by adding Sections 8.1, 16.2,
7 and 20.2 as follows:

8 (605 ILCS 10/8.1 new)

9 Sec. 8.1. Inspector General.

10 (a) The Governor must, with the advice and consent of the
11 Senate, appoint an Inspector General for the purpose of
12 detection, deterrence, and prevention of fraud, corruption,
13 and mismanagement in the Authority. The Inspector General shall
14 serve a 2-year term. If no successor is appointed and qualified
15 upon the expiration of the Inspector General's term, the Office
16 of Inspector General is deemed vacant and the powers and duties
17 under this Section may be exercised only by an appointed and
18 qualified interim Inspector General until a successor
19 Inspector General is appointed and qualified. If the General
20 Assembly is not in session when a vacancy in the Office of
21 Inspector General occurs, the Governor may appoint an interim
22 Inspector General whose term shall expire 2 weeks after the
23 next regularly scheduled session day of the Senate.

24 (b) The Inspector General shall have the following
25 qualifications:

26 (1) has not been convicted of any felony under the laws
27 of this State, another State, or the United States;

28 (2) has earned a baccalaureate degree from an
29 institution of higher education; and

30 (3) has either (A) 5 or more years of service with a
31 federal, State, or local law enforcement agency, at least 2
32 years of which have been in a progressive investigatory

1 capacity; (B) 5 or more years of service as a federal,
2 State, or local prosecutor; or (C) 5 or more years of
3 service as a senior manager or executive of a federal,
4 State, or local agency.

5 (c) The Inspector General may review, coordinate, and
6 recommend methods and procedures to increase the integrity of
7 the Authority. The Inspector General must report directly to
8 the Governor.

9 (d) In addition to the authority otherwise provided by this
10 Section, but only when investigating the Authority, its
11 employees, or their actions for fraud, corruption, or
12 mismanagement, the Inspector General is authorized:

13 (1) To have access to all records, reports, audits,
14 reviews, documents, papers, recommendations, or other
15 materials available that relate to programs and operations
16 with respect to which the Inspector General has
17 responsibilities under this Section.

18 (2) To make any investigations and reports relating to
19 the administration of the programs and operations of the
20 Authority that are, in the judgment of the Inspector
21 General, necessary or desirable.

22 (3) To request any information or assistance that may
23 be necessary for carrying out the duties and
24 responsibilities provided by this Section from any local,
25 State, or federal governmental agency or unit thereof.

26 (4) To issue subpoenas subject to the advance approval
27 of the Attorney General, and to compel the attendance of
28 witnesses for purposes of testimony and the production of
29 documents and other items for inspection and copying. If a
30 person has petitioned a court of competent jurisdiction in
31 Cook County, Sangamon County, or any county where the
32 subpoena is sought to be enforced for a protective order or
33 to quash or modify the subpoena, then this Section does not
34 apply during the pendency of the court proceedings
35 concerning the petition. A person duly subpoenaed for
36 testimony, documents, or other items who neglects or

1 refuses to testify or produce documents or other items
2 under the requirements of the subpoena shall be subject to
3 punishment as may be determined by a court of competent
4 jurisdiction, unless (i) the testimony, documents, or
5 other items are covered by the attorney-client privilege or
6 any other privilege recognized by law or (ii) the
7 testimony, documents, or other items concern the
8 representation of employees and the negotiation of
9 collective bargaining agreements by a labor organization
10 authorized and recognized under the Illinois Public Labor
11 Relations Act to be the exclusive bargaining
12 representatives of employees of the State agency. Nothing
13 in this Section limits a person's right to protection
14 against self-incrimination under the Fifth Amendment of
15 the United States Constitution or Article I, Section 10, of
16 the Constitution of the State of Illinois.

17 (5) To have direct and prompt access to the Board of
18 Directors of the Authority for any purpose pertaining to
19 the performance of functions and responsibilities under
20 this Section.

21 (f) The Inspector General may receive and investigate
22 complaints or information from an employee of the Authority
23 concerning the possible existence of an activity constituting a
24 violation of law, rules, or regulations; mismanagement; abuse
25 of authority; or substantial and specific danger to the public
26 health and safety. The Inspector General shall have the
27 discretion to determine the appropriate means of investigation
28 as permitted by law and as approved in advance by the Attorney
29 General. Any employee who knowingly files a false complaint or
30 files a complaint with reckless disregard for the truth or the
31 falsity of the facts underlying the complaint may be subject to
32 discipline.

33 The Inspector General may not, after receipt of a complaint
34 or information from an employee, disclose the identity of the
35 employee without the consent of the employee.

36 Any employee who has the authority to recommend or approve

1 any personnel action or to direct others to recommend or
2 approve any personnel action may not, with respect to that
3 authority, take or threaten to take any action against any
4 employee as a reprisal for making a complaint or disclosing
5 information to the Inspector General, unless the complaint was
6 made or the information disclosed with the knowledge that it
7 was false or with willful disregard for its truth or falsity.

8 (g) The Inspector General must adopt rules, in accordance
9 with the provisions of the Illinois Administrative Procedure
10 Act, establishing minimum requirements for initiating,
11 conducting, and completing investigations. The rules must
12 establish criteria for determining, based upon the nature of
13 the allegation, the appropriate method of investigation, which
14 may include, but is not limited to, site visits, telephone
15 contacts, personal interviews, or requests for written
16 responses. The rules must also clarify how the Office of the
17 Inspector General shall interact with other local, State, and
18 federal law enforcement investigations.

19 Any employee of the Authority subject to investigation or
20 inquiry by the Inspector General or any agent or representative
21 of the Inspector General shall have the right to be notified of
22 the right to remain silent during the investigation or inquiry
23 and the right to be represented in the investigation or inquiry
24 by a representative of a labor organization that is the
25 exclusive collective bargaining representative of employees of
26 the Authority. Any such investigation or inquiry must be
27 conducted in compliance with the provisions of a collective
28 bargaining agreement that applies to the employees of the
29 Authority. Any recommendation for discipline or any action
30 taken against any employee by the Inspector General or any
31 representative or agent of the Inspector General must comply
32 with the provisions of the collective bargaining agreement that
33 applies to the employee.

34 (h) The Inspector General shall provide to the Authority
35 and the General Assembly a summary of reports and
36 investigations made under this Section for the previous fiscal

1 year no later than January 1 of each year. The summaries shall
2 detail the final disposition of the Inspector General's
3 recommendations. The summaries shall not contain any
4 confidential or identifying information concerning the
5 subjects of the reports and investigations. The summaries shall
6 also include detailed, recommended administrative actions and
7 matters for consideration by the General Assembly.

8 (i) The Office of the Inspector General shall be
9 represented in all legal matters by the Attorney General.

10 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

11 Sec. 10. The Authority shall have power:

12 (a) To pass resolutions, make by-laws, rules and
13 regulations for the management, regulation and control of its
14 affairs, and to fix tolls, and to make, enact and enforce all
15 needful rules and regulations in connection with the
16 construction, operation, management, care, regulation or
17 protection of its property or any toll highways, constructed or
18 reconstructed hereunder.

19 (a-5) To fix, assess, and collect civil fines for a
20 vehicle's operation on a toll highway without the required toll
21 having been paid. The Authority may establish by rule a system
22 of civil administrative adjudication to adjudicate only
23 alleged instances of a vehicle's operation on a toll highway
24 without the required toll having been paid, as detected by the
25 Authority's video or photo surveillance system. In those cases
26 in which the operator of the vehicle is not the registered
27 vehicle owner, the establishment of ownership of the vehicle
28 creates a rebuttable presumption that the vehicle was being
29 operated by an agent of the registered vehicle owner. If the
30 registered vehicle owner liable for a violation under this
31 Section was not the operator of the vehicle at the time of the
32 violation, the owner may maintain an action for indemnification
33 against the operator in the circuit court. Rules establishing a
34 system of civil administrative adjudication must provide for
35 written notice, by first class mail or other means provided by

1 law, to the address of the registered owner of the cited
2 vehicle as recorded with the Secretary of State or to the
3 lessee of the cited vehicle at the last address known to the
4 lessor of the cited vehicle at the time of the lease, of the
5 alleged violation and an opportunity to be heard on the
6 question of the violation and must provide for the
7 establishment of a toll-free telephone number to receive
8 inquiries concerning alleged violations. The notice shall also
9 inform the registered vehicle owner that failure to contest in
10 the manner and time provided shall be deemed an admission of
11 liability and that a final order of liability may be entered. A
12 duly authorized agent of the Authority may perform or execute
13 the preparation, certification, affirmation, or mailing of the
14 notice. A notice of violation, sworn or affirmed to or
15 certified by a duly authorized agent of the Authority, or a
16 facsimile of the notice, based upon an inspection of
17 photographs, microphotographs, videotape, or other recorded
18 images produced by a video or photo surveillance system, shall
19 be admitted as prima facie evidence of the correctness of the
20 facts contained in the notice or facsimile. Only civil fines,
21 along with the corresponding outstanding toll and costs, may be
22 imposed by administrative adjudication. A fine may be imposed
23 under this paragraph only if a violation is established by a
24 preponderance of the evidence. Judicial review of all final
25 orders of the Authority under this paragraph shall be conducted
26 in accordance with the Administrative Review Law.

27 Any outstanding toll, fine, additional late payment fine,
28 other sanction, or costs imposed, or part of any fine, other
29 sanction, or costs imposed, remaining unpaid after the
30 exhaustion of, or the failure to exhaust, judicial review
31 procedures under the Illinois Administrative Review Law are a
32 debt due and owing the Authority and may be collected in
33 accordance with applicable law. After expiration of the period
34 in which judicial review under the Illinois Administrative
35 Review Law may be sought, a final order of the Authority under
36 this subsection (a-5), unless stayed by a court of competent

1 jurisdiction, may be enforced in the same manner as a judgment
2 entered by a court of competent jurisdiction. Upon being
3 recorded in the manner required by Article XII of the Code of
4 Civil Procedure or by the Uniform Commercial Code, a lien shall
5 be imposed on the real estate or personal estate or both of the
6 party adjudicated liable in the amount of any debt due and
7 owing the Authority under this Section. The lien may be
8 enforced in the same manner as a judgment lien pursuant to a
9 judgment of a court of competent jurisdiction.

10 A system of civil administrative adjudication may also
11 provide for a program of vehicle immobilization, towing, or
12 impoundment for the purpose of facilitating enforcement of any
13 final orders of the Authority under this subsection (a-5) after
14 expiration of the period in which judicial review under the
15 Illinois Administrative Review Law may be sought. The
16 registered vehicle owner of a vehicle immobilized, towed, or
17 impounded for nonpayment of a final order of the Authority
18 under this subsection (a-5) shall have the right to request a
19 hearing before the Authority's civil administrative
20 adjudicatory system to challenge the validity of the
21 immobilization, towing, or impoundment. This hearing, however,
22 shall not constitute a readjudication of the merits of
23 previously adjudicated notices. Judicial review of all final
24 orders of the Authority under this subsection (a-5) shall be
25 conducted in accordance with the Administrative Review Law.

26 (b) To prescribe rules and regulations applicable to
27 traffic on highways under the jurisdiction of the Authority,
28 concerning:

29 (1) Types of vehicles permitted to use such highways or
30 parts thereof, and classification of such vehicles;

31 (2) Designation of the lanes of traffic to be used by
32 the different types of vehicles permitted upon said
33 highways;

34 (3) Stopping, standing, and parking of vehicles;

35 (4) Control of traffic by means of police officers or
36 traffic control signals;

1 (5) Control or prohibition of processions, convoys,
2 and assemblages of vehicles and persons;

3 (6) Movement of traffic in one direction only on
4 designated portions of said highways;

5 (7) Control of the access, entrance, and exit of
6 vehicles and persons to and from said highways; and

7 (8) Preparation, location and installation of all
8 traffic signs; and to prescribe further rules and
9 regulations applicable to such traffic, concerning matters
10 not provided for either in the foregoing enumeration or in
11 the Illinois Vehicle Code. Notice of such rules and
12 regulations shall be posted conspicuously and displayed at
13 appropriate points and at reasonable intervals along said
14 highways, by clearly legible markers or signs, to provide
15 notice of the existence of such rules and regulations to
16 persons traveling on said highways. At each toll station,
17 the Authority shall make available, free of charge,
18 pamphlets containing all of such rules and regulations.

19 (c) The Authority, in fixing the rate for tolls for the
20 privilege of using the said toll highways, is authorized and
21 directed, in fixing such rates, to base the same upon annual
22 estimates to be made, recorded and filed with the Authority.
23 Said estimates shall include the following: The estimated total
24 amount of the use of the toll highways; the estimated amount of
25 the revenue to be derived therefrom, which said revenue, when
26 added to all other receipts and income, will be sufficient to
27 pay the expense of maintaining and operating said toll
28 highways, including the administrative expenses of the
29 Authority, and to discharge all obligations of the Authority as
30 they become due and payable.

31 (d) To accept from any municipality or political
32 subdivision any lands, easements or rights in land needed for
33 the operation, construction, relocation or maintenance of any
34 toll highways, with or without payment therefor, and in its
35 discretion to reimburse any such municipality or political
36 subdivision out of its funds for any cost or expense incurred

1 in the acquisition of land, easements or rights in land, in
2 connection with the construction and relocation of the said
3 toll highways, widening, extending roads, streets or avenues in
4 connection therewith, or for the construction of any roads or
5 streets forming extension to and connections with or between
6 any toll highways, or for the cost or expense of widening,
7 grading, surfacing or improving any existing streets or roads
8 or the construction of any streets and roads forming extensions
9 of or connections with any toll highways constructed,
10 relocated, operated, maintained or regulated hereunder by the
11 Authority. Where property owned by a municipality or political
12 subdivision is necessary to the construction of an approved
13 toll highway, if the Authority cannot reach an agreement with
14 such municipality or political subdivision and if the use to
15 which the property is being put in the hands of the
16 municipality or political subdivision is not essential to the
17 existence or the administration of such municipality or
18 political subdivision, the Authority may acquire the property
19 by condemnation.

20 (Source: P.A. 89-120, eff. 7-7-95.)

21 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

22 Sec. 11. The Authority shall have power:

23 (a) To enter upon lands, waters and premises in the State
24 for the purpose of making surveys, soundings, drillings and
25 examinations as may be necessary, expedient or convenient for
26 the purposes of this Act, and such entry shall not be deemed to
27 be a trespass, nor shall an entry for such purpose be deemed an
28 entry under any condemnation proceedings which may be then
29 pending; provided, however, that the Authority shall make
30 reimbursement for any actual damage resulting to such lands,
31 waters and premises as the result of such activities.

32 (b) To construct, maintain and operate stations for the
33 collection of tolls or charges upon and along any toll
34 highways.

35 (c) To provide for the collection of tolls and charges for

1 the privilege of using the said toll highways. Before it adopts
2 an increase in the rates for toll, the Authority shall hold a
3 public hearing at which any person may appear, express
4 opinions, suggestions, or objections, or direct inquiries
5 relating to the proposed increase. Any person may submit a
6 written statement to the Authority at the hearing, whether
7 appearing in person or not. The hearing shall be held in the
8 county in which the proposed increase of the rates is to take
9 place. The Authority shall give notice of the hearing by
10 advertisement on 3 successive days at least 15 days prior to
11 the date of the hearing in a daily newspaper of general
12 circulation within the county within which the hearing is held.
13 The notice shall state the date, time, and place of the
14 hearing, shall contain a description of the proposed increase,
15 and shall specify how interested persons may obtain copies of
16 any reports, resolutions, or certificates describing the basis
17 on which the proposed change, alteration, or modification was
18 calculated. After consideration of any statements filed or oral
19 opinions, suggestions, objections, or inquiries made at the
20 hearing, the Authority may proceed to adopt the proposed
21 increase of the rates for toll. No change or alteration in or
22 modification of the rates for toll shall be effective unless at
23 least 30 days prior to the effective date of such rates notice
24 thereof shall be given to the public by publication in a
25 newspaper of general circulation, and such notice, or notices,
26 thereof shall be posted and publicly displayed at each and
27 every toll station upon or along said toll highways.

28 (d) To construct, at the Authority's discretion, grade
29 separations at intersections with any railroads, waterways,
30 street railways, streets, thoroughfares, public roads or
31 highways intersected by the said toll highways, and to change
32 and adjust the lines and grades thereof so as to accommodate
33 the same to the design of such grade separation and to
34 construct interchange improvements. The Authority is
35 authorized to provide such grade separations or interchange
36 improvements at its own cost or to enter into contracts or

1 agreements with reference to division of cost therefor with any
2 municipality or political subdivision of the State of Illinois,
3 or with the Federal Government, or any agency thereof, or with
4 any corporation, individual, firm, person or association.
5 Where such structures have been built by the Authority and a
6 local highway agency did not enter into an agreement to the
7 contrary, the Authority shall maintain the entire structure,
8 including the road surface, at the Authority's expense.

9 (e) To contract with and grant concessions to or lease or
10 license to any person, partnership, firm, association or
11 corporation so desiring the use of any part of any toll
12 highways, excluding the paved portion thereof, but including
13 the right of way adjoining, under, or over said paved portion
14 for the placing of telephone, telegraph, electric, power lines
15 and other utilities, and for the placing of pipe lines, and to
16 enter into operating agreements with or to contract with and
17 grant concessions to or to lease to any person, partnership,
18 firm, association or corporation so desiring the use of any
19 part of the toll highways, excluding the paved portion thereof,
20 but including the right of way adjoining, or over said paved
21 portion for motor fuel service stations and facilities,
22 garages, stores and restaurants, or for any other lawful
23 purpose, and to fix the terms, conditions, rents, rates and
24 charges for such use.

25 The Authority shall also have power to establish reasonable
26 regulations for the installation, construction, maintenance,
27 repair, renewal, relocation and removal of pipes, mains,
28 conduits, cables, wires, towers, poles and other equipment and
29 appliances (herein called public utilities) of any public
30 utility as defined in the Public Utilities Act along, over or
31 under any toll road project. Whenever the Authority shall
32 determine that it is necessary that any such public utility
33 facilities which now are located in, on, along, over or under
34 any project or projects be relocated or removed entirely from
35 any such project or projects, the public utility owning or
36 operating such facilities shall relocate or remove the same in

1 accordance with the order of the Authority. All costs and
2 expenses of such relocation or removal, including the cost of
3 installing such facilities in a new location or locations, and
4 the cost of any land or lands, or interest in land, or any
5 other rights required to accomplish such relocation or removal
6 shall be ascertained and paid by the Authority as a part of the
7 cost of any such project or projects, and further, there shall
8 be no rent, fee or other charge of any kind imposed upon the
9 public utility owning or operating any facilities ordered
10 relocated on the properties of the said Authority and the said
11 Authority shall grant to the said public utility owning or
12 operating said facilities and its successors and assigns the
13 right to operate the same in the new location or locations for
14 as long a period and upon the same terms and conditions as it
15 had the right to maintain and operate such facilities in their
16 former location or locations.

17 (f) To enter into a contract with a unit of local
18 government or other public or private entity under which the
19 Authority agrees to collect by electronic means tolls, fees, or
20 revenues on behalf of that entity.

21 (Source: P.A. 90-681, eff. 7-31-98.)

22 (605 ILCS 10/16.2 new)

23 Sec. 16.2. Financial benefit prohibited.

24 (a) A director, employee, or agent of the Authority may not
25 receive a financial benefit from a contract let by the
26 Authority during his or her term of service with the Authority
27 and for a period of one year following the termination of his
28 or her term of service as a director of the Authority or as an
29 employee or agent of the Authority.

30 (b) A member of the immediate family or household of a
31 director, employee, or agent of the Authority may not receive a
32 financial benefit from a contract let by the Authority during
33 the immediate family or household member's term of service with
34 the Authority and for a period of one year following the
35 termination of the immediate family or household member's term

1 of service as a director of the Authority or as an employee or
2 agent of the Authority.

3 (c) A director, employee, or agent of the Authority may not
4 use material non-public information for personal financial
5 gain nor may he or she disclose that information to any other
6 person for that person's personal financial gain when that
7 information was obtained as a result of his or her
8 directorship, employment, or agency with the Authority.

9 (d) A member of the immediate family or household of a
10 director, employee, or agent of the Authority may not use
11 material non-public information for personal financial gain
12 nor may he or she disclose that information to any other person
13 for that person's personal financial gain when that information
14 was obtained as a result of his or her immediate family or
15 household member's directorship, employment, or agency with
16 the Authority.

17 (e) For purposes of this Section, "immediate family or
18 household member" means the spouse, child, parent, brother,
19 sister, grandparent, or grandchild, whether of the whole blood
20 or half blood or by adoption, or a person who shares a common
21 dwelling with a director of the Authority or with an employee
22 or agent of the Authority.

23 (605 ILCS 10/17) (from Ch. 121, par. 100-17)

24 Sec. 17. (a) The Authority may from time to time issue
25 bonds for any lawful purpose including, without limitation, the
26 costs of issuance thereof and all such bonds or other
27 obligations of the Authority issued pursuant to this Act shall
28 be and are hereby declared to be negotiable for all purposes
29 notwithstanding their payment from a limited source and without
30 regard to any other law or laws.

31 (b) The bonds of every issue shall be payable solely out of
32 revenues of the Authority, accumulated reserves or sinking
33 funds, bond proceeds, proceeds of refunding bonds, or
34 investment earnings as the Authority shall specify in a bond
35 resolution.

1 (c) The bonds may be issued as serial bonds or as term
2 bonds, or the Authority, in its discretion, may issue bonds of
3 both types. The bonds shall be authorized by a bond resolution
4 of the Authority, may be issued in one or more series and shall
5 bear such date or dates, mature at such time or times not
6 exceeding 25 years from their respective date or dates of
7 issue, bear interest at such rate or rates, fixed or variable,
8 without regard to any limit contained in any other statute or
9 law of the State of Illinois, be payable as to principal and
10 interest at such time or times, be in such denominations, be in
11 such form, either coupon or fully registered, carry such
12 registration and conversion privileges, be payable in lawful
13 money of the United States of America at such places, be
14 subject to such terms of redemption and may contain such other
15 terms and provisions, as such bond resolution or resolutions
16 may provide. The bonds shall be executed by the manual or
17 facsimile signatures of the Chairman and the Secretary. In case
18 any of the officers whose signature appears on the bonds or
19 coupons, if any, shall cease to be an officer before the
20 delivery of such bonds, such signature shall nevertheless be
21 valid and sufficient for all purposes, as if he had remained in
22 office until such delivery. The bonds shall be sold in such
23 manner as the Authority shall determine. The proceeds from the
24 sale of such bonds shall be paid to the Treasurer of the State
25 of Illinois as ex officio custodian. Pending preparation of the
26 definitive bonds, the Authority may issue interim receipts or
27 certificates which shall be exchanged for such definitive
28 bonds.

29 (d) Any bond resolution, or trust indenture entered into
30 pursuant to a bond resolution, may contain provisions, which
31 shall be a part of the contract with the holders of the bonds
32 to be authorized, as to: (i) pledging or creating a lien upon
33 all or part of the revenues of the Authority or any reserves,
34 sinking funds, bond proceeds or investment earnings; (ii) the
35 setting aside of reserves or sinking funds, and the regulation,
36 investment and disposition thereof; (iii) the use and

1 maintenance requirements for the toll highways; (iv) the
2 purposes to which or the investments in which the proceeds of
3 sale of any series or issue of bonds then or thereafter to be
4 issued may be applied; (v) the issuance of additional bonds,
5 the terms upon which additional bonds may be issued and
6 secured, the purposes for such additional bonds, and the terms
7 upon which additional bonds may rank on a parity with, or be
8 subordinate or superior to other bonds; (vi) the refunding of
9 outstanding bonds; (vii) the procedure, if any, by which the
10 terms of any contract with bondholders may be amended or
11 abrogated, the amount of bonds the holders of which must
12 consent thereto, and the manner in which such consent may be
13 given; (viii) defining the acts or omissions to act which shall
14 constitute a default in the duties of the Authority to holders
15 of its obligations and providing the rights and remedies of
16 such holders in the event of a default; (ix) any other matters
17 relating to the bonds which the Authority deems desirable.

18 (e) Neither the directors of the Authority nor any person
19 executing the bonds shall be liable personally on the bonds or
20 be subject to any personal liability or accountability by
21 reason of the issuance thereof.

22 (f) The Authority shall have power out of any funds
23 available therefor to purchase its bonds. The Authority may
24 hold, pledge, cancel or resell such bonds subject to and in
25 accordance with agreements with bondholders.

26 (g) In the discretion of the Authority any bonds issued
27 under the provisions of this Act may be secured by a trust
28 indenture by and between the Authority and a trustee or
29 trustees, which may be any trust company or bank in the State
30 of Illinois having the powers of a trust company and possessing
31 capital and surplus of not less than \$50,000,000. The bond
32 resolution or trust indenture providing for the issuance of
33 bonds so secured shall pledge such revenues of the Authority,
34 sinking funds, bond proceeds, or investment earnings as may be
35 specified therein, may contain such provisions for protecting
36 and enforcing the rights and remedies of the bondholders as may

1 be reasonable and proper and not in violation of law, including
2 particularly such provisions as have hereinabove been
3 specifically authorized to be included in any bond resolution
4 or trust indenture of the Authority, and may restrict the
5 individual right of action by bondholders. In addition to the
6 foregoing, any bond resolution or trust indenture may contain
7 such other provisions as the Authority may deem reasonable and
8 proper for the security of the bondholders, including, but not
9 limited to, the purchase of bond insurance and the arrangement
10 of letters of credit, lines of credit or other credit or
11 liquidity enhancement facilities; provided there shall be no
12 pledge of the toll highway or any part thereof. All expenses
13 incurred in carrying out the provisions of any bond resolution
14 or trust indenture may be treated as a part of the cost of the
15 operation of the toll highways.

16 (h) Bonds issued under the authority of this Act do not,
17 and shall state upon the face of each bond that they do not,
18 represent or constitute a debt of the Authority or of the State
19 of Illinois within the meaning of any constitutional or
20 statutory limitation or a pledge of the faith and credit of the
21 Authority or the State of Illinois, or grant to the owners or
22 holders thereof any right to have the Authority or the General
23 Assembly levy any taxes or appropriate any funds for the
24 payment of the principal thereof or interest thereon. Such
25 bonds shall be payable and shall state that they are payable
26 solely from the revenues and the sources authorized under this
27 Act and pledged for their payment in accordance with the bond
28 resolution or trust indenture.

29 Nothing in this Act shall be construed to authorize the
30 Authority or any department, board, commission or other agency
31 to create an obligation of the State of Illinois within the
32 meaning of the Constitution or Statutes of Illinois.

33 (i) Any resolution or trust indenture authorizing the
34 issuance of the bonds may include provision for the issuance of
35 additional bonds. All resolutions of the Authority to carry
36 such adopted bond resolutions into effect, to provide for the

1 sale and delivery of the bonds, for letting of contracts for
2 the construction of toll highways and the acquisition of real
3 and personal property deemed by the Authority necessary or
4 convenient for the construction thereof, shall not require the
5 approval of the Governor or of any other department, division,
6 commission, bureau, board or other agency of the State.

7 (j) Prior to expending or obligating any amounts on deposit
8 in any fund or account established in any bond resolution or
9 trust indenture entered into pursuant to a bond resolution, in
10 excess of the amount required to be held by the Authority in
11 order to satisfy covenants established in any such bond
12 resolution or trust indenture entered into pursuant to a bond
13 resolution, the Authority shall submit to the General Assembly
14 the proposed expenditure or obligation. If the General Assembly
15 fails to adopt a joint resolution disapproving of such
16 expenditure or obligation within the current legislative
17 session, or, if the General Assembly is not in session at the
18 time of submission, during the next legislative session
19 thereafter, the Authority may proceed to expend or obligate
20 such funds substantially in accordance with such proposal.

21 (Source: P.A. 83-1258.)

22 (605 ILCS 10/20.2 new)

23 Sec. 20.2. Comprehensive Strategic Financial Plan.

24 (a) The Authority must submit to the General Assembly, not
25 later than May 15, 2005, a 20-year comprehensive strategic
26 financial plan. The plan must include detailed information
27 regarding the Authority's income, expenditures, debt, capital
28 needs, and the cost of any planned toll highway extensions. The
29 Authority must provide detailed and specific information
30 regarding how it will fund its debt, unfunded capital needs,
31 and the planned toll highway extensions. This information must
32 include the possibility of obtaining federal funds, both loans
33 and grants, under the Transportation Infrastructure Innovation
34 Act or other federal programs.

35 (b) Before submitting the plan under subsection (a), the

1 Authority must hold at least 2 public hearings at which any
2 person may appear, express opinions, suggestions, or
3 objections, or direct inquiries relating to the proposed plan.
4 The Authority may not hold more than one hearing on the same
5 day in connection with the proposed plan. The Authority must
6 schedule a minimum of 4 hours for each hearing. At least 3
7 directors of the Authority must be present at each hearing, and
8 each director must be present for the entire duration of the
9 hearing.

10 (605 ILCS 10/27.1) (from Ch. 121, par. 100-27.1)

11 Sec. 27.1. Any person who shall use any spurious or
12 counterfeit tickets, coupons or tokens in payment of any toll
13 required to be paid by the Authority under the provisions of
14 this Act, or who shall attempt to use the highway without
15 payment of the tolls prescribed by the Authority, shall be
16 deemed guilty of a petty offense and shall be fined not less
17 than \$5 nor more than \$100 for each such offense. The fine
18 range set forth in this Section for prosecution of toll evasion
19 as a petty offense does not apply to toll evasion offenses that
20 are adjudicated in the Authority's administration system ~~Each~~
21 ~~day any toll highway is used by any person in violation of this~~
22 ~~Act shall constitute a separate offense.~~

23 (Source: P.A. 77-2239.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.